

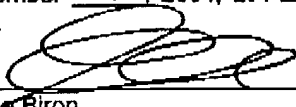
File No: 672-B01.US

RECEIVED
CENTRAL FAX CENTER September 16, 2004

SEP 17 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

I hereby certify that this paper or fee is being faxed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on September 17, 2004, at Fax No: (703) 872-9306 (5 pages total).


Shirley Biron

Sept 17, 2004
Date

In the matter of the application of

Martin COUSINEAU

for: HOSE CLAMP

Filed: November 20, 2003

Ser.No.: 10/716,566

Art Unit: 3679

Examiner: Aaron M. DUNWOODY

RESPONSE TO OFFICE ACTION

ASSISTANT COMMISSIONER FOR PATENTS

Washington, D.C. 20231, U.S.A.

Sir,

The present is in response to Office Action dated August 27, 2004.

REMARKS

The Examiner has requested restriction in accordance with 35 U.S.C. 121, on the basis that the application contains four patentably distinct species of the claimed invention, namely the embodiments of Figs. 1-8; Figs. 9-9c; Fig. 10; and Fig. 11; as set forth on page 2 of the Office Action.

...2

Ser. No: 10/716,566

September 16, 2004

The applicant, without traverse and without prejudice to its right to file divisional applications to non-elected subject matter, hereby elects the subject matter of the embodiment of shown in Figs. 1-8. The following claims are readable upon the elected subject matter, namely, claims 1-12, and 16-23.

With respect to the Examiner's statement "Currently, none of the claims appear generic.", the applicant respectfully believes that claims 1, 2, 19, and 21-23 appear generic to all four species since all the limitations of these respective claims are present in all four species. Accordingly, these claims do not make any distinction upon the facts that the clamp includes more than one capture nut and that that the clamp includes more than two loop ends (first and second loop ends).

Furthermore, the applicant hereby encloses a copy of the International Search Report (ISR) received from the European Patent Office for a corresponding PCT application (Publication No.: WO 2004/051132 A1).

Favorable consideration of the present application in light of the foregoing amendments and remarks is respectfully requested.

RESPECTFULLY SUBMITTED,



Martin COUSINEAU, Applicant

Encl.: Copy of ISR of corresponding PCT application (3 pages)

U02